

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT-29
IN
RAD SUIT NO.967 OF 2023
(CNR NO.MHSCA2-001282-2023)

Shri. Deepak Dinanath Lotlikar ...Plaintiff
Versus
Mumbai Metro Rail Corporation and Ors. ..Defendants

Mr. A. A. Kocharekar, Advocate for Plaintiff.
The Law Point, Advocate for defendant Nos.1 to 4

Coram:- S. D. Kurane, Judge
Court Room No.8
Dt.09.02.2024

ORDER

This is application filed by defendant Nos.1 to 4 for condonation of delay of 69 days in filing written statement and sought permission to bring it on record as prayed.

2. Perused the application. The plaintiff has endorsed his say to the application and objected the application mentioning that no sufficient ground mentioned for condonation of delay. The application is devoid of any merit and liable to be rejected.

3. Heard and gone through details of the record.

4. It is to note that plaintiff filed suit for declaration against the defendants. It is a matter of record that on 03.10.2023, defendant Nos.1 to 4 are duly served with suit summons but failed to file written statement within statutory period.

5. So far as concerning the reasons in the application, defendant Nos.1 to 4 have come with the contention that they started

preparing comments in the captioned matter for providing suitable instruction to its Advocate to draft the written statement. Since, the comments had to be obtained from several departments, the same took time. Based on the instructions received, the Advocate for defendant Nos.1 to 4 prepared the written statement and circulated the same on 01.11.2023. Defendant No.1 states that being a public sector undertaking, the draft written statement requires approval of multiple departments. Hence, the approval took some time.

6. It was incumbent on part of defendant Nos.1 to 4 to approach the Court within statutory period with their specific defence to the suit. Unfortunately, it could not happen in the suit. But, considering the nature of suit and relief claimed in it, I viewed that parties to the suit should get a reasonable opportunity to put their case on record. But, simultaneously whatever delay caused by defendant Nos.1 to 4 in approaching before the Court in time that should not be overlooked. Hence, the order.

ORDER

1. Application vide Exhibit-29 is hereby allowed subject to costs of Rs.700/- to the plaintiff.
2. Parties to take note.

Date : 09.02.2024

**Sd/-
(S. D. Kurane)
Judge, C. R. No. 8**